

Remarks

Claims 11-30 were pending in the subject application. By way of the Amendment of July 29, 2002, claims 11, 12, 25, and 26 were amended, claims 27-30 were been canceled, and new claims 31-34 were added. Accordingly, claims 11-26, and 31-35 are currently before the Examiner. Favorable consideration of claims 11-26, and 31-35, in view of the remarks which follow, is earnestly solicited.

The enclosed two publications: Maklebust, J., "Using Wound Care Products to Promote a Healing Environment," *Critical Care Nursing Clinics of North America*, 8:2, 141-158 (1996) (hereinafter the Maklebust reference) and Harding, K. *et al.*, "Healing Chronic Wounds," *BMJ*, 324:160-163 (2002) (hereinafter the Harding *et al.* reference), both disclose findings which support the applicants' position that the claimed invention provides important advantages compared to the cited art. For example, the Maklebust reference discloses that, when the surface of a wound remains moist, epidermal cells are able to migrate more readily and thus enhance epithelialization (see page 148). The Harding *et al.* reference discloses findings from an animal model that rapid re-epithelialisation of a wound occurs if the wound is occluded (see page 161). However, the Harding *et al.* reference also notes at page 161, under the heading "Dressings," that "[o]cclusive dressings have not shown...dramatic effects in clinical studies on patients....[and a]dvances in dressing technology has not yet resulted in the development of materials that correct abnormalities in the healing cascade" (emphasis added). Thus there remains a need for a protective barrier for a wound that enhances the healing of the wound.

Accordingly, the device of the subject invention advantageously promotes the healing of wounds by providing a warm and moist environment with adequate oxygenation and prevention of gross contamination, thus correcting abnormalities in the healing cascade. For example, by maintaining a moist environment, the subject invention allows natural exudates from the wound to carry material away from the affected site, thus encouraging wound healing. Further, by allowing exudates to drain away from the wound, the present invention encourages active growth factors and reduces the level of proteinases to support the wound healing process.

The applicant hereby incorporates and resubmits his remarks as set forth in the Amendment of July 29, 2002 concerning the references cited in the outstanding Office Action. In particular, the Andrews *et al.* device is specifically designed to provide a dry environment by including two layers of absorbent material and a gas-permeable third layer (see for example, col. 6, lines 13-44). The Andrews *et al.* reference suggests a dry environment “can help prevent infection and promote healing” (see col. 6, lines 54-56). Thus, the Andrews *et al.* reference does not teach the applicant’s unique device. The Andrews *et al.* reference contains no suggestion of a gas-impermeable enclosure for a wound. In fact, the emphasis on a dry environment to “help prevent infection and promote healing” (see column 6, lines 54-56) essentially teaches away from the subject invention in a moist environment.

As discussed in the Amendment of July 29, 2002, none of the devices in the cited references in the outstanding Office Action teach or suggest the applicant’s unique device. Accordingly, reconsideration and withdrawal of the rejections as set forth in the outstanding Office Action under 35 USC §§102 and 103 is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

4

Docket No. GJE-75
Serial No. 09/889,940

The applicant also invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Margaret H. Efron

Patent Attorney

Registration No. 47,545

Phone: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

MHE/la

Attachment: Maklebust, J., "Using Wound Care Products to Promote a Healing Environment,"
Critical Care Nursing Clinics of North America, 8:2, 141-158 (1996)
Harding, K. *et al.*, "Healing Chronic Wounds," BMJ, 324:160-163 (2002)